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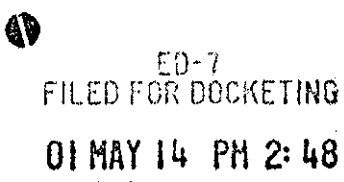

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 CR 794	DATE	5/14/2001
CASE TITLE	United States of America vs. Jorge Ramos-Gonzalez		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:
Memorandum Opinion and Order
DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant has filed a pro se motion to dismiss the indictment. That motion is denied. Status hearing set for May 16, 2001 at 9:45am. to stand.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail A 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.		number of notices date docketed MAY 15 2001 docketing deputy initials  date mailed notice mailing deputy initials	Document Number <div style="font-size: 2em; font-family: cursive;">21</div>
WAH	courtroom deputy's initials	Date/time received in central Clerk's Office	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

JORGE RAMOS-GONZALEZ

Defendant.

No. 00 CR 794

DOCKETED

MAY 15 2001

MEMORANDUM OPINION AND ORDER

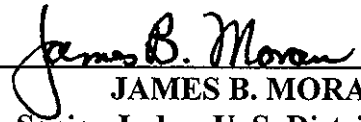
Defendant has filed a *pro se* motion to dismiss the indictment. That motion is denied.

Defendant contends that he should not be prosecuted for violation of 8 U.S.C. §1326(A)(2), re-entry of a deported alien without the express consent of the Attorney General, a deportation which the government contends was after conviction for commission of an aggravated felony. He is no stranger, apparently, to the criminal justice system or to the criminal laws relating to illegal re-entry. According to United States v. Gonzalez, 112 F.3d 1325 (7th Cir. 1997), he has three felony convictions and four deportations. His last deportation followed his release from prison after serving his sentence for conviction of a drug offense and for illegal entry after conviction for commission of an aggravated felony, the same offense charged here. When he was deported the last time he was, according to a copy of a Form I-294, expressly warned that illegal entry could result in a sentence of imprisonment for a period of from 2 to 20 years.

Nevertheless, defendant now claims that because he was told at the last sentencing that he could not return and, if he did, he had to report his return to his probation officer, but not that he would be subject to additional criminal penalties, he is answerable only for a violation

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of supervised release. A claim that he was misled is incredible (and he does not, apparently, claim he was misled, only that the information given to him was misleading), but we do not rest on that. The case upon which defendant relies, United States v. Aquino-Chacon, 109 F.3d 946 (4th Cir. 1997), recognizes that the entrapment by estoppel concept is narrow indeed and is limited to circumstances in which the government has assured the defendant that certain conduct is lawful, and that it is enough that the statute provides clear notice of unlawful conduct. There was no active misleading here, and the statute itself provides clear notice.



JAMES B. MORAN
Senior Judge, U. S. District Court

May 14, 2001.
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